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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,852	12/31/2003	Oliver O. Stanchfield	TPP 31700	2816
24257 7590 03/06/2007 STEVENS DAVIS MILLER & MOSHER, LLP 1615 L STREET, NW SUITE 850 WASHINGTON, DC 20036			EXAMINER PLUMMER, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			3635	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/748,852

Applicant(s)

STANCHFIELD, OLIVER O.

Examiner

Elizabeth A. Plummer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-8, and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8, and 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's amendments and arguments received have been entered and considered. Claims 6 and 9 have been cancelled. Claims 14-24 have been added. An examination of pending claims 1-5, 7-8, and 10-24 is herein presented.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-8, 10, 12, and 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner (GB 2141457A) in view of Kornfalt et al. (US Patent 6,517,935).

a. Regarding claim 1, Sumner discloses a reversible molding (12) having a plurality of decorative faces, wherein the faces have the same shape (Fig. 1). While Sumner does not specifically disclose that the faces differ by texture, design, pattern or color, Sumner discloses that the molding (12) can be removed for decoration. However, it is notoriously well known in the art of molding that strips can be decorated on only one face. For example, Kornfalt et al. teaches a reversible molding having a plurality of decorative faces (Fig. 1) wherein the faces differ by texture, design and pattern due to one face being covered with a decorative laminate (column 2, lines 51-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sumner to

of ordinary skill in the art at the time the invention was made to modify Sumner to include a molding wherein one face is covered a laminate in order to create a different design, pattern and color, such as taught by Kornfalt et al., in order to create a more aesthetic molding.

b. Regarding claim 2, Sumner discloses the invention as claimed except for the molding comprising a wood product selected from the group consisting of particle board, MDF, HDF, and veneered lumber. However, it is notoriously well known in the art that a molding can comprise a wood product. For example, Kornfalt et al. teaches that it is well known to produce molding strip comprising veneered lumber (column 1, lines 5-10) or MDF (column 3, lines 35-40). It would have been obvious to one of ordinary skill in the art to modify Sumner to comprise a molding of a wood product, such as taught by Kornfalt et al., in order to make the molding cheaply. Furthermore, it would have been a matter of obvious design choice to form the molding out of a wood, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

c. Regarding claims 3 and 5, Kornfalt et al. discloses that a decorative face comprises a laminate (1) (column 2, lines 42-50).

d. Regarding claim 4, Kornfalt et al. discloses that the decorative face comprise a printed décor paper and an overlay of alpha-cellulose (column 2, lines 9-11; column 2, lines 61-66).

- e. Regarding claim 7, Sumner discloses that each of the faces is in the shape of a wall base molding (Fig. 1).
- f. Regarding claim 8, Sumner discloses that each of the faces is in the form of a base shoe (Fig. 1).
- g. Regarding claim 10, Sumner discloses the combination of a floor and wall joint in use with the reversible molding (Fig. 1; page 3, lines 114-124).
- h. Regarding claim 12, Sumner discloses that the combination of a floor and wall joint in use with the reversible molding and that the floor can be any type of covering (page 3, lines 115-120). While Sumner does not disclose that the floor is specifically a laminate floor, it is notoriously well known in the art that moldings can be used with laminate floors. For example, Kornfalt et al. teaches it is well known to use moldings with laminate flooring (column 1, lines 10-11). It would have been obvious to one of ordinary skill in the art to modify Sumner to use the molding on a laminate flooring, such as taught by Kornfalt et al., as laminate floors are very popular. Furthermore, it would have been a matter of obvious design choice to form the floor out of a laminate, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.
- i. Regarding claim 14, Sumner discloses a reversible molding (12) having a plurality of decorative faces, wherein the faces have the same shape (Fig. 1). While Sumner does not specifically disclose that the faces differ by texture,

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design, pattern or color, Sumner discloses that the molding (12) can be removed for decoration. However, it is notoriously well known in the art of molding that strips can be decorated on only one face. For example, Kornfalt et al. teaches a reversible molding having a plurality of decorative faces (Fig. 1) wherein the faces differ by texture, design and pattern due to one face being covered with a decorative laminate (column 2, lines 51-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sumner to include a molding wherein one face is covered a laminate in order to create a different design, pattern and color, such as taught by Kornfalt et al., in order to create a more aesthetic molding.

j. Regarding claim 15, Sumner discloses the invention as claimed except for the molding comprising a wood product selected from the group consisting of particle board, MDF, and HDF. However, it is notoriously well known in the art that a molding can comprise a wood product. For example, Kornfalt et al. teaches that it is well known to produce molding strip comprising MDF (column 3, lines 35-40). It would have been obvious to one of ordinary skill in the art to modify Sumner to comprise a molding of a wood product, such as taught by Kornfalt et al., in order to make the molding cheaply. Furthermore, it would have been a matter of obvious design choice to form the molding out of a wood, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

k. Regarding claim 16, Sumner in view of Kornfalt et al. disclose the invention as claimed except for one of the faces comprising a foil. It would have been a matter of obvious design choice to form a face out of foil, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

l. Regarding claim 17, Kornfalt et al. discloses that one of the faces comprises a laminate (1) (column 2, lines 42-50).

m. Regarding claim 18, Kornfalt et al. discloses that the decorative face comprise a printed décor paper and an overlay of alpha-cellulose (column 2, lines 9-11; column 2, lines 61-66).

n. Regarding claim 19, Kornfalt et al. discloses that the laminate comprises hard abrasive resistant particles (abstract).

o. Regarding claim 20, offering a reversible molding is inherently one method of reducing molding inventories. Sumner discloses a reversible molding (12) having a plurality of decorative faces, wherein the faces have the same shape (Fig. 1). While Sumner does not specifically disclose that the faces differ by texture, design, pattern or color, Sumner discloses that the molding (12) can be removed for decoration. However, it is notoriously well known in the art of molding that strips can be decorated on only one face. For example, Kornfalt et al. teaches a reversible molding having a plurality of decorative faces (Fig. 1) wherein the faces differ by texture, design and pattern due to one face being

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covered with a decorative laminate (column 2, lines 51-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sumner to include a molding wherein one face is covered a laminate in order to create a different design, pattern and color, such as taught by Kornfalt et al., in order to create a more aesthetic molding.

p. Regarding claim 21, Kornfalt et al. discloses that one of the faces comprises a laminate (1) (column 2, lines 42-50).

q. Regarding claim 22, Sumner discloses at least one face is in the shape of a wall base molding (Fig. 1).

r. Regarding claims 23 and 24, Sumner discloses that at least a second one of the faces in is the form of a base shoe (Fig. 1).

3. Claims 1, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hovde (US Patent 4,557,096) in view of Kornfalt et al. (US 6,517,935).

a. Regarding claim 1, Hovde discloses a reversible molding (26) having a plurality of decorative faces, wherein the faces have the same shape (Fig. 6). While Hovde does not specifically disclose that the faces differ by texture, design, pattern or color, it is notoriously well known in the art of molding that strips can be decorated on only one face. For example, Kornfalt et al. teaches a reversible molding having a plurality of decorative faces (Fig. 1) wherein the faces differ by texture, design and pattern due to one face being covered with a decorative laminate (column 2, lines 51-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hovde to



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include a molding wherein one face is covered a laminate in order to create a different design, pattern and color, such as taught by Kornfalt et al., in order to create a more aesthetic molding.

b. Regarding claim 11, Hovde discloses the molding in combination with a ceiling and wall joint (Fig. 6).

c. Regarding claim 13, Hovde discloses the molding in combination with at least one wall panel (27) and at least one ceiling panel (14). While Hovde does not disclose the wall panel and the ceiling panel comprising laminate, it would have been a matter of obvious design choice to form the panels out of laminate, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5, 7-8 and 10-24 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

  
JEANETTE E. CHAPMAN  
PRIMARY EXAMINER  
GROUP 3635

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